

Notice of Allowability

Application No.

09/934,713

Examiner

Patrick J Connolly

Applicant(s)

OUCHI, CHIDANE

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03 December 2004.
2. ☒ The allowed claim(s) is/are 1-8 and 10-12.
3. ☒ The drawings filed on 23 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 7.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

GREGORY J. TOATLEY, JR.
PRIMARY EXAMINER *STED*
13 Dec 04

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed December 03, 2004, with respect to the interference wavefront measurement and linear polarization orientation change subject matter of claims 7, 8, and 10-12 have been fully considered and are persuasive. The rejections of claims 7, 8 and 10-12 have been withdrawn.

Allowable Subject Matter

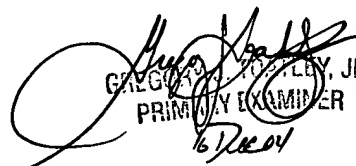
Claims 1-8 and 10-12 allowed.

The following is an examiner's statement of reasons for allowance:

See Paper 08312004 filed September 09, 2004 for reasons of allowance with regard to claims 1-6.

As to claim 7, the prior art of record, taken alone or in combination, fails to disclose or render obvious a measuring method including: measuring a wavefront of first and second linearly polarized lights from an object to be measured, wherein the first and second linearly polarized lights are made incident on the object in mutually different orientations; and calculating at least one of a retardation and average wavefront of the object on the basis of the measured interference pattern of the wavefront of the first and second linearly polarized lights, in combination with the rest of the limitations of claim 7.

As to claim 10, the prior art of record, taken alone or in combination, fails to disclose or render obvious an interferometer including: polarization orientation changing means for changing a polarization orientation of linearly polarized light incident on an object to be measured; analyzing means for switching the polarization orientation so as to allow to pass only


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16 Dec 04

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the same polarized component as the polarized light incident on the object to be measured; and image pickup means for detecting the polarized light after passing through the object to be measured as an interference signal, in combination with the rest of the limitations of claim 10.

As to claim 12, the prior art of record, taken alone or in combination, fails to disclose or render obvious a measuring method including: making linearly polarized light incident on an object to be measured; passing the light through an analyzer so as to allow to pass only the same polarized component as the polarized light incident on the object; measuring the interference pattern of the wavefront of the light passed through the analyzer and calculating at least one of a retardation and an average wavefront from the object on the basis of the measured interference pattern of the wavefront, in combination with the rest of the limitations of claim 12.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Connolly whose telephone number is 571.272.2412. The examiner can normally be reached on 9:00 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J Toatley, Jr. can be reached on 571.272.2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pjc *pjc*
12.13.2004